

## Spain

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Regional tensions heated up in 2014 in Catalonia, which had planned to hold a referendum on independence in November. After Spain's Constitutional Court outlawed the vote, a symbolic referendum was held instead.

In June, King Juan Carlos I abdicated the throne, naming his son, Felipe, as his successor. While King Juan Carlos enjoyed high popularity throughout the majority of his reign, the royal family has recently fallen out of favor with the public due to scandals. Upon succeeding to the throne in July, King Felipe VI vowed to make the royal family's finances more transparent as part of a wider strategy of cleaning up the monarchy.

In January 2014, Spain became the second European Union (EU) country to exit its bailout program since the economic crisis began in 2008. However, low inflation in late 2014 prompted fears of a future deflationary spiral. Stringent austerity measures continue.

Political Rights and Civil Liberties:

### **Political Rights: 39 / 40 [Key]**

#### **A. Electoral Process:** 12 / 12

The lower house of Spain's bicameral parliament, the Congress of Deputies, is comprised of 350 members elected in multimember constituencies, with the exception of the North African enclaves of Ceuta and Melilla, each of which is assigned one single-member constituency. The Senate has 264 members, 208 of whom are elected directly, and 56 of whom are chosen by regional legislatures. Spain's national and regional elections are generally considered free and fair. Members of both the Senate and Congress serve four-year terms. The royal family plays a largely ceremonial role.

Following legislative elections, the monarch selects a candidate for prime minister, generally the leader of the majority party or coalition. The parliament then votes on the selected candidate. With powerful regional parliaments, Spain is one of the most decentralized countries in Europe.

In general elections held in November 2011, the right-wing Popular Party (PP) trounced the center-left Socialist Party (PSOE), capturing 186 seats in the lower house. The PSOE took only 111 seats, its worst showing in 30 years. PP leader Mariano Rajoy Brey replaced the PSOE's José Luis Rodríguez Zapatero as prime minister.

#### **B. Political Pluralism and Participation:** 16 / 16

Citizens have the right to organize political parties and other competitive groupings of their choice. While a two-party system traditionally limited power to the right-wing PP and the center-left PSOE, recent corruption scandals and persistent economic woes have weakened their grip. In May 2014 European Parliament elections, Podemos, a new, leftist party, managed to capture nearly 8 percent of the vote, winning five seats. While regional electoral reforms have made it more difficult for small parties to win seats, some—such as the left-wing United Left party and the liberal Union, Progress and Democracy party—siphoned votes from the leading parties during the European Parliament elections.

Catalan regional tensions have continued to cause antagonism in Spain. While Catalonia is already autonomous—a distinction that facilitates a certain degree of self-governance—the wealthy region planned to hold a referendum on independence in 2014. After Spain's Constitutional Court suspended the legal basis for the referendum on November 4, however, Catalan regional authorities instead chose to hold a symbolic referendum on November 9. While turnout was much lower than expected, mobilizing less than 50 percent of Catalans, 80 percent of those who voted were in favor of leaving the union. Subsequently, the governments of Spain and Catalonia agreed to hold talks aimed at improving their relationship. Among the issues to be discussed was a reform of Spain's system to finance its 17 autonomous communities.

### **C. Functioning of Government: 11 / 12**

A 2010 survey from Transparency International—which ranks Spain 37 out of 175 countries and territories in its Corruption Perceptions Index—found that political parties are popularly viewed as the institution most affected by corruption. Campaign financing is a particular point of contention. While more than three-quarters of party expenses are funded by the state, a 2007 law confirmed the right of political parties to use commercial bank loans for funding. An EU Commission report released in February 2014 shows that while parties borrowed extensively during years of prosperity, controls over loans were compromised by undue political influence on bank boards. In 2012, Spain strengthened rules on political financing by restricting access to loans, increasing transparency, and establishing an audit framework; the effectiveness of the reforms is still unclear.

High-profile corruption investigations continued to plague the royal family in 2014. King Juan Carlos I's daughter, Princess Cristina, was charged with corruption and tax fraud. She will stand trial in 2015 along with her husband, Iñaki Urdangarín, who has been accused of embezzling several million euros in public funds in his role as chairman of a charitable organization.

Upon taking the throne, King Felipe VI began establishing rules to reform the monarchy. Among them are increased transparency of royal funds—including external audits that will be made public, a prohibition on members of the royal family working outside the palace; and greater controls on gifts to the royal family. Under the new rules, Felipe's sisters, Elena and Cristina, will retain their titles but will no longer be considered part of the royal family as they work in the private sector.

Although the courts have a solid record of investigating and prosecuting corruption cases, the high workload means that courts are often overburdened and cases proceed very slowly.

## **Civil Liberties: 57 / 60**

### **D. Freedom of Expression and Belief: 15 / 16**

Spain has a free and active press, with more than 100 newspapers covering a wide range of perspectives and actively investigating high-level corruption. Despite this dynamic environment, excessive political intervention into the creation and staffing of television and radio stations has posed a threat to freedom of expression, especially at the regional and local levels.

The Spanish press has also suffered from ownership consolidation. Most broadcast media, as well as newspapers and magazines, are now controlled by a limited number of media groups. According to a December 2013 study from the Madrid Press Association, some 4,400 journalists lost their jobs in 2013 as a result of the closure of 73 media organizations.

The majority of Spaniards have access to the internet and there is no outright internet censorship. However, in 2014 Spain passed a copyright law that requires aggregators that post links and excerpts of news articles to pay a fee to the association of Spanish newspapers, with potential fines of up to €600,000 (\$800,000). The law can be applied to third-party sites providing hosting or payment services to an infringing site. In response, Google removed Spanish publishers from Google News and shut the site down in Spain.

Freedom of religion is guaranteed by the constitution and other laws. As the nation's dominant religion, however, Roman Catholicism enjoys privileges not afforded to others, such as financing through the tax system. The role of Catholicism in politics is strong, with the PP pushing conservative values. Nevertheless, proposed legislation that would have made it more difficult for women to obtain abortions was abandoned in September 2014. Jews, Muslims, and Protestants have official status through bilateral agreements with the state; other groups, including Jehovah's Witnesses and Mormons, have no such status. In May, Spain approved a bill allowing descendants of Sephardic Jews—who were forced to flee during the inquisition of 1492—the right to dual-citizenship. No similar provision was made for Muslims, who were expelled by Spain's Catholic leadership in the 1600s.

While the government does not restrict academic freedoms, necessary cuts to education funding have weakened the system, disproportionately affecting lower-income students.

### **E. Associational and Organizational Rights: 12 / 12**

The constitution provides for freedom of assembly, a right that the government has long respected. However, the new Public Security bill, approved by parliament in late 2014 and

expected to pass in the Senate, would introduce fines for unauthorized protestors up to €600,000 (\$800,000). Burning flags, demonstrating outside government buildings, insulting police officers, or disseminating photographs of members of the police force will also carry fines, and authorities could punish protestors without guarantee of judicial process. In December, large demonstrations against the bill took place across the country. Sizeable antiausterity protests and strikes have also become common in Spain.

Domestic and international nongovernmental organizations operate without government restrictions. With the exception of members of the military, workers are free to strike, organize, and join unions of their choice.

#### **F. Rule of Law: 15 / 16**

The constitution provides for an independent judiciary. Politicians elect members of some important judicial institutions, such as the Constitutional Court and the Office of the General Public Prosecutor. By removing the power of judges to nominate members of the General Council of the Judiciary and reducing the number of permanent positions on that body, experts believe that a 2013 reform weakens judicial independence. Court proceedings are bound by the rule of law. Prisons and detention centers are overcrowded, and police mistreatment is a concern.

Spain is a major pathway for undocumented immigrants, many of whom congregate at the Moroccan border in an attempt to reach Ceuta and Melilla. Spanish authorities are known to employ harsh tactics to restrict the movement of illegal immigrants. In February, at least 15 people drowned while police shot them with rubber bullets during an attempt to swim to Ceuta. The Public Security bill would entitle police in Ceuta and Melilla to summarily expel migrants and asylum seekers attempting to jump security barricades to reach Spanish territory, with no human rights safeguards.

Human Rights Watch raised concerns in 2014 about how budget cuts are affecting vulnerable groups. It highlighted high unemployment, restrictions on access to health care, de facto segregation of migrant neighborhoods, and anti-Roma sentiment. Racial profiling during police checks is also a persistent problem.

#### **G. Personal Autonomy and Individual Rights: 15 / 16**

Citizens may travel freely throughout the country and choose their residence, employment, and institution of higher education. Private business activity is largely unrestricted, although a lack of access to credit has created obstacles, especially for small and medium-sized firms.

Legal protections are in place to safeguard women from rape, domestic abuse, and sexual harassment in the workplace. In September, a proposed law that would make it more difficult for women to have abortions was struck down due to divisions in the PP. Violence against

women remains a serious issue in Spain, as does human trafficking for the purposes of sexual exploitation and forced labor. Same-sex marriages are legal in Spain, and same-sex couples may adopt children.

**Scoring Key: X / Y (Z)****X = Score Received****Y = Best Possible Score****Z = Change from Previous Year****Full Methodology**